FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6275 OF 2005
IN
CRIMINAL APPEAL NO.1497 OF 2003

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	: Coram, : : :	Court's or Judge's Orders

Ms. Y.M. Kadam h/f. Ms. Ayaz Khan for the applicant.

Mr. A.S. Shitole, A.P.P. for the State.

**CORAM: SMT. RANJANA DESAI &
ANOOP V. MOHTA, JJ.**

DATED: 27TH OCTOBER, 2005.

P.C.:-

The present applicant is accused 2 in Sessions Case No.710 of 2000. He has been convicted along with other accused for the offence punishable under section 302 read with section 34 of the Indian Penal Code and sentenced to suffer RI for life.

The appeal has been admitted. We are now considering the bail application.

We have heard the learned counsel appearing for the applicant. He submitted that the prosecution case rests on circumstantial evidence. Apart from the fact that the applicant was last seen in the company of the deceased and he led the police to the vehicle in which the deceased was alleged to have been taken, there are no other circumstances against the applicant. He, therefore, prayed that the applicant may be released on bail.

We have also heard the learned A.P.P. appearing for the State.

It is true that the prosecution case rests on circumstantial evidence. The prosecution has alleged that the applicant was last seen in the company of the deceased and that he led the police to the car in which the deceased was alleged to have been taken. The recovery of the car at the instance of the accused is three days after the date of incident. It

appears that the clothes of the accused were seized from the house of the applicant three days after the date of incident.

We are informed that the applicant is in jail for about five and half years. In such circumstances, we feel that the present applicant needs to be released on bail. Hence, the following order :

O R D E R

The applicant - Shakir Abdul Latif, is released on bail on his furnishing bail bond in the sum of Rs.20,000/- with one or two local sureties in the like amount. He shall report to Colaba Police Station, once in a month.

The application is disposed of.

(SMT. RANJANA DESAI, J.)

(ANOOP V. MOHTA, J.)